

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: : CHAPTER 13  
Angelina Charles :  
Debtor :  
: BANKRUPTCY NO.: 18-11710

**RESPONSE TO MOVANT'S MOTION TO DISMISS**

Debtor, by their attorney, Brandon J. Perloff, Esq. by way of Response to Movant's Motion, respectfully represents the following:

All Movant's averments are Denied. By way of further response, there has been no unreasonable delay. Only after the "chapter 13 debtor has been given a *reasonable time* to propose a viable plan and it is *clear* that the debtor will be unable to do so" does there exist cause to dismiss under 11 U.S.C. 1307(c)(1). In re Blanco, 520 B.R. 476, 483 (Bankr. E.D. Pa. 2014) (Emphasis added). The debtor must be "given fair opportunity to...propose a chapter 13 plan that meets the confirmation requirements of 11 U.S.C. § 1322 and § 1325." Id.

The governmental proof of claim's deadline passed only five (5) days prior to the instant motion. Thus the Debtor has not been given a "reasonable time" period to propose a viable plan.

Furthermore, Trustee has not demonstrated that it is "clear that the debtor will be unable to" propose a viable Chapter 13 Plan promptly, nor has the trustee demonstrated "prejudice" to creditors.

WHEREFORE, Debtor prays that the Movant's Motions be denied or hearing on the Motion be continued.

Date: September 14, 2018

/s/ Brandon J. Perloff  
Brandon J. Perloff Esquire.  
Attorney for Debtor